

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Jose Cruz,
Petitioner
v.
D.W. Neven, et al.,
Respondents

2:16-cv-02335-JAD-GWF

Order Dismissing and Closing Case and Denying as Moot Motion for Appointment of Counsel

[ECF No. 2]

10 On October 25, 2016, I denied § 2254 petitioner Jose Cruz's application to proceed *in forma*
11 *pauperis* because his application and supporting documentation showed that he is able to pay the
12 \$5.00 filing fee. I gave Cruz until November 26, 2016, to dispatch his payment and warned him that
13 failure to pay the fee by this deadline would result in dismissal of this case without further notice.
14 The deadline has long since passed and Cruz has not paid the filing fee.

15 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
16 prejudice and Cruz's motion for appointment of counsel [ECF No. 2] is **DENIED** as moot.

The Clerk of Court is directed to CLOSE THIS CASE.

Dated this 23rd day of December, 2016.

Jennifer A. Dorsey
United States District Judge